



RECEIVED

*02 SEP 11 PM 1 42

TN REGULATORY AUTHORITY
DOCKET ROOM**James B. Wright**
Senior Attorney14111 Capital Boulevard
Wake Forest, NC 27587-5900
Mailstop NCWKFR0313
Voice 919 554 7587
Fax 919 554 7913
james.b.wright@mail.sprint.com

September 11, 2002

(FILE BY FAX PURSUANT TO TRA RULE 1220-1-1-.03(7);
AIR EXPRESS HARD COPIES)The Honorable Chairman Sara Kyle
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243RE: Docket No. 02-00990
United Telephone-Southeast Petition Regarding Adelphia

Dear Chairman Kyle:

Enclosed for filing are the original and thirteen copies of United Telephone-Southeast, Inc.'s Petition for Exemption from Rules to be a Conditional Carrier due to termination of service by Adelphia Business Solutions Operations, Inc.

Also enclosed is a check in the amount of \$25 for the filing fee. Please contact me if you have any questions regarding this filing.

Sincerely,

James B. Wright

Enclosures

CC: Terry Romine, Adelphia (w/encl)
Henry Walker (by fax)
Laura Sykora
Kaye Odum

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

IN RE: Adelphia Business Solutions)	
Operations, Inc. Notice of Discontinuance)	Docket No.02-00990
of Service in the Tri-Cities Area)	

**UNITED TELEPHONE-SOUTHEAST, INC. PETITION
FOR EXEMPTION FROM RULES TO BE A CONDITIONAL CARRIER**

United Telephone-Southeast, Inc. ("Sprint") pursuant to a request of Staff of the Tennessee Regulatory Authority ("Authority") hereby petitions the Authority for an expedited review of its request to be a conditional carrier for customers of Adelphia Business Solutions Operations, Inc. ("Adelphia") in Sprint's Tri-Cities service area. Sprint requests that this petition be considered by a panel of Directors as soon as practicable prior to September 23, 2002 since Adelphia has stated it will discontinue service on that date (See Attachment 1). Sprint seeks this authority to enable Sprint to transition, under the circumstances described below, customers of Adelphia to Sprint upon Sprint's discontinuance of service to Adelphia at Adelphia's request.

In addition, Sprint seeks confirmation from the Authority that its rules do not prohibit Adelphia from providing Sprint with customer contact information so that Sprint may notify Adelphia customers that pursuant to the authority granted pursuant to this Petition, Sprint will, subject to the terms of its General Subscriber Services Tariff, under the unique circumstances of this situation, transition Adelphia's resale local service customers to Sprint in the event they fail to choose an alternative provider prior to the date Adelphia discontinues their service. Specifically, Sprint shows the following:

1. Petitioner is:

United Telephone-Southeast, Inc.
14111 Capital Blvd,
Wake Forest, NC 27587

Petitioner's representative in this matter is:

James B. Wright
Sprint
14111 Capital Blvd,
Wake Forest, NC 27587

2. Adelphia is certificated as a CLEC and a reseller¹ in Tennessee who purchases resale telecommunications services from Sprint pursuant to an interconnection and resale agreement between the parties.
3. Adelphia has requested that Sprint discontinue the services it provides to Adelphia in Tennessee no later than September 23, 2002. Prior to Adelphia's decision to discontinue services, Sprint provided resale services to Adelphia for approximately 11,500 lines in Tennessee.
4. Adelphia has represented to Sprint that it has provided notice to its customers that Adelphia is discontinuing its service to them and that they must select another local service provider by September 23, 2002. However, as of September 9, 2002, Sprint's records show that Adelphia customers with a total of approximately 7,650 access lines have not requested a change to another local service provider. Absent customer selection of another local provider and approval of this Petition, these customers will be disconnected from service on the date that Sprint discontinues service to Adelphia.

¹ It is Sprint's understanding that Adelphia Business Solutions Operations, Inc. has filed for bankruptcy in federal bankruptcy court. In Tennessee, Sprint is aware that Adelphia may operate under several

5. Adelphia is discontinuing service to thousands of customers in multiple states in which Sprint is the incumbent local service provider. Given the number of customers that have not yet requested to change their local service provider, disconnection of Adelphia on the date requested potentially will result in an inundation of calls to Sprint from customers who have lost their local service. This substantial increase in workload will not only impede Sprint's ability to respond to the affected customers, but will also affect Sprint's ability to respond to normal customer demands unrelated to disconnection and then reconnection of service to soon-to-be former Adelphia customers.
6. TRA Rule 1220-2-.56 states, among other things, that before submitting a preferred carrier change, carriers must verify the subscriber's authorization of the change via one of the methods prescribed in the rule. TRA Rule 1220-2-.58 states, among other things, that no telecommunications carrier may bill a customer unless certain procedures have been followed, including obtaining prior consent of the subscriber. In view of the extremely short time period involved in this case, Sprint asks that these rules be waived for the purpose of providing continued service to customers that do not make an election for an alternate provider by the September 23 disconnect date.
7. If Sprint is not granted exemption from the Rules requested in this proposal, which exemption will allow Sprint to prevent the disruption of service to customers that have not chosen another provider by the default date, each customer will most likely apply to Sprint for service. In doing so they will be required to complete the normal application and service provisioning process. Given the volume of customer contacts

certificates. In the event any of the other Adelphia entities operate in Sprint's local service area, Sprint asks that its Petition cover all such entities.

with the Sprint business office that Adelphia's planned disconnection will generate and Sprint's normal new service application and provisioning procedures, it could take as much as 5 to 7 days per customer for Sprint to establish service.

8. If Sprint's waiver request is granted, the customers who have not selected another provider will, under most circumstances, not lose service but will be transitioned to Sprint. Sprint would begin billing on September 23 the former Adelphia customers who have not selected an alternate provider.
9. Sprint's procedures and conditions for handling the transition as the new local service provider entail provisioning in accordance with Sprint's terms and conditions for service as set forth in Sprint's General Subscriber Services Tariff on file with the Authority. Sprint will assess the customers based on normal creditworthiness guidelines. Any customer who would not have been allowed to subscribe without providing security will be disconnected upon failure to do so within a reasonable timeframe. In addition, any customer who Sprint verifies was -- as a previous retail customer of Sprint -- disconnected for non-payment and who has not completely satisfied such obligation will be disconnected immediately.
10. Sprint is also filing a notice with the Federal Communications Commission and will request a waiver in compliance with FCC Rule 64.1120. In accordance with that rule, Sprint will not assess any carrier change charges on the customers' transitioning to Sprint.
11. Sprint will provide notice to Adelphia's customers that, if they do not select another local provider prior to the date Adelphia's service is discontinued, Sprint will become their local service provider. In addition, when notifying customers that Sprint will be

the carrier if they fail to affirmatively select another carrier, Sprint will make clear to each customer that they are not required to automatically return to or take service from Sprint but have the option of selecting another local service provider either before their service from Adelphia is discontinued or after the transition to Sprint. Additionally, customers will be informed that if Sprint becomes their local service provider, service continuation will be subject to credit worthiness, deposits as necessary, and payment of any prior unpaid balance owed to Sprint. A copy of the draft customer notice is appended hereto as Attachment 2.

12. TRA Rule 1220-4-2-.12 provides the conditions under which a telecommunications company may refuse or discontinue service to a customer, including timeframes for providing customer notice. To the extent that a waiver of this rule is necessary for Sprint to immediately disconnect any of the customers transferred from Adelphia who do not comply with Sprint's credit, deposit or payment requirements, Sprint requests the Authority to grant Sprint's request for a waiver of this rule. The purpose of the rule is to balance the interests of customers and carriers, by setting forth the conditions under which a carrier may discontinue or deny service to customers. Arguably, the rule is inapplicable to the transfer of former Adelphia customers to Sprint, since it predates retail competition and was not designed to address the type of mass transfer situation involved when an CLEC/reseller exits the market. Sprint's proposal to conditionally take the customers back but then disconnect any customers who fail to comply with Sprint's credit, deposit and payment policies serves the purposes of the underlying rule in that it strikes a balance between customer and carrier interests.

13. Although Adelphia has stated that it notified its customers of the impending disconnection, no notice has yet been provided regarding transitioning of these customers to Sprint. Sprint needs from Adelphia its customer contact list in order to provide the requisite notice to the customers. To the best of Sprint's knowledge, Adelphia does not object to providing this information or object to Sprint's intent to serve as the conditional local service provider. Sprint would ask that the information be provided no later than September 18, 2002.
14. Sprint believes that its request for a waiver is in the public interest and that such a waiver will serve the same purpose in this instance as the Authority's change verification rules. The Commission's verification rules would not be served by obtaining prior authorization and verification in order to switch the affected customers of Adelphia to Sprint. As is demonstrated by the number of customers who have not yet switched their service provider, despite the notice of impending termination by Adelphia, many customers may not understand the need to authorize the change in their local service provider, and will therefore lose their service on the Adelphia disconnection date, unless Sprint's request for a waiver is granted.
15. Sprint requests that this petition be addressed on an expedited basis, because the disconnection of Adelphia's customers has been requested for September 23, 2002. If the Commission does not consider and rule on Sprint's request for a waiver prior to September 23, 2002, Sprint will be unable to act as the new local service carrier for Adelphia's customers and any customers who have not selected another provider prior to that date will be disconnected with the consequences described above.

16. Sprint emphasizes that the circumstances of this case are unusual due to the large number of customers who will be potentially applying for service simultaneously. Depending on the (currently unknown) character of the customers involved, a potential negative impact on the public safety, health and welfare could exist if prolonged disruption of customers occurs. Under normal circumstances, Sprint does not believe that the ultimate best interests of competition are served if one company automatically serves as the default carrier when a competitive provider fails. Nevertheless, Sprint believes that pragmatism should prevail over principle in this particular situation. For these reasons we seek this waiver.

WHEREFORE, having demonstrated good cause for its request, Sprint asks that the Commission grant Sprint's request for a waiver of the above noted Rules and confirm that Adelphia may provide Sprint with the necessary customer contact information to notify such customers that Sprint will become their conditional local service provider should they fail to select another carrier by the date upon which Adelphia's service is discontinued.

Respectfully submitted this 11th day of September 2002.

UNITED TELEPHONE-SOUTHEAST, INC.

By James B. Wright
James B. Wright
Senior Attorney
14111 Capital Blvd,
Wake Forest, NC 27587

ATTACHMENT 1



8/29/02

Sprint
900 Springmill St
Mansfield, OH 44906
Mailstop: OHMANJ0204
Attn: Mike Dolan
Director - Wholesale Markets Eastern Region

Mr. Dolan:

Adelphia Business Solutions will be disconnecting all resale lines associated with billing account number 188 D00 8742, 188 D00 2834, and 188D007186. The disconnect date should be effective 9/23/02. This should also reflect the last date of billing for ABS for the TriCities (TN/VA) area.

If you have any further questions, please contact me at 832-553-2230.

Thank you,

A handwritten signature in black ink, appearing to read "Staci Burns".

Staci Burns
Director of Business Operations/Southwest Region

ATTACHMENT 2

DRAFT

September __, 2002

Dear Customer,

Adelphia Business Solutions Operations, Inc. ("Adelphia") currently provides your local telephone service. However, Adelphia will be discontinuing provision of your telephone services effective September 23, 2002. Unless you select another local service provider prior to this date, Sprint, subject to the terms and conditions of its tariff and appropriate regulatory approvals, will transition your current local service line(s) to Sprint in order to mitigate any problems that may occur if service is disconnected by Adelphia prior to your selection of an alternative local service provider. Whether you are transitioned to Sprint or select an alternative local service carrier, you will be able to retain your current telephone number. Additionally, you will not be billed Sprint's customary carrier change charge if your service is transitioned to Sprint. The transition to Sprint will not impact your long distance carrier selection.

You have the right to subscribe to service from any local service provider. This decision is entirely up to you, and you may switch to another local service provider before the September 23, 2002 Adelphia disconnect date. In the event you are transitioned to Sprint, you will still be able to transfer service to another local service provider subsequent to the transfer to Sprint.

If you request that your local access lines be transitioned to Sprint or if you have not made arrangements to continue your service with another local service provider, Sprint will transition your local service to Sprint billing effective September 23, 2002. However, continuation of service as a Sprint customer is contingent on any appropriate credit and/or deposit requirements. This may include payment for any previous unpaid balances due Sprint. Failure to comply with the credit requirements may result in immediate discontinuation of service. You will be notified of any deposit and/or previous unpaid balance amounts that may be due.

If you have arranged preferred carrier freeze through Adelphia on the service(s) involved in this transfer, the freeze will be removed in order to transition your service to Sprint unless you have selected a different carrier before the transfer date. Thus, after the transfer, you may contact Sprint if you want to reestablish a preferred carrier freeze.

Adelphia is responsible for handling any outstanding complaints or disputes that may exist between you and Adelphia or another carrier. You will be responsible for any account balances due Adelphia through the date of transition to Sprint or the local service provider of your choice. You will also need to address any questions pertaining to existing deposits or pending credits with Adelphia.

If you desire to switch your local service to Sprint prior to September 23, 2002 please contact us at 1 XXX XXX ZZZZ to confirm your decision. This will help us to ensure that you have continuous uninterrupted service. Additionally, we will be able to answer any questions you may have and provide you with information regarding Sprint's rates, terms and conditions.

Sincerely,